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8 and AU OPTRONICS CORPORATION AMERICA

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10 UNITED STATES DISTRICT COURT  
11  
NORTHERN DISTRICT OF CALIFORNIA

13 ALFRED H. SIEGEL, AS TRUSTEE OF THE  
14 CIRCUIT CITY STORES, INC. LIQUIDATING  
TRUST,

15 Plaintiff,

16 v.

17 AU OPTRONICS CORPORATION; AU  
18 OPTRONICS CORPORATION AMERICA,  
INC.; CHI MEI CORPORATION; CHI MEI  
19 OTOELECTRONICS CORPORATION; CHI  
MEI OTOELECTRONICS USA, INC.; CMO  
JAPAN CO. LTD.; NEXGEN MEDIATECH,  
INC.; NEXGEN MEDIATECH USA, INC.;  
21 CHUNGHWA PICTURE TUBES LTD.;  
TATUNG COMPANY OF AMERICA, INC.;  
EPSON IMAGING DEVICES  
22 CORPORATION; EPSON ELECTRONICS  
AMERICA, INC.; HANNSTAR DISPLAY  
CORPORATION; LG DISPLAY CO. LTD.; LG  
DISPLAY AMERICA, INC.; SAMSUNG  
24 ELECTRONICS CO., LTD.; SAMSUNG  
SEMICONDUCTOR, INC.; SAMSUNG  
ELECTRONICS AMERICA, INC.; SHARP  
26 CORPORATION; SHARP ELECTRONICS;  
TOSHIBA CORPORATION;  
TOSHIBA AMERICA ELECTRONICS  
COMPONENTS, INC.;  
TOSHIBA MOBILE DISPLAY CO., LTD.;  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.; HITACHI, LTD.; HITACHI

CASE NO. 10-cv-5625 SI

Master File No. 07-md-1827 SI

MDL No. 1827 SI

STIPULATION AND [PROPOSED] ORDER  
PERMITTING PLAINTIFF TO FILE  
SECOND AMENDED COMPLAINT

1 DISPLAYS, LTD.; AND HITACHI  
2 ELECTRONIC DEVICES (USA), INC.,  
3

Defendants.

4

5 WHEREAS, plaintiff Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating  
6 Trust ("Circuit City Trust"), filed a complaint in the above-captioned case against defendants AU  
7 Optronics Corporation, AU Optronics Corporation America, Chi Mei Corporation, Chi Mei  
8 Optoelectronics Corporation, Chi Mei Optoelectronics USA, Inc., CMO Japan Co. Ltd., Chunghwa  
9 Picture Tubes, Ltd., Nexgen Mediatech, Inc., Nexgen Mediatech USA, Inc., Epson Imaging Devices  
10 Corporation, Epson Electronics America, Inc., HannStar Display Corporation, LG Display Co. Ltd., LG  
11 Display America, Inc., Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc., Samsung  
12 Electronics America, Inc., Sharp Corporation, Sharp Electronics Corporation, Tatung Company of  
13 America, Toshiba Corporation, Toshiba America Electronic Components, Inc., Toshiba Mobile Display  
14 Co., Ltd., Toshiba America Information Systems, Inc., Hitachi, Ltd., Hitachi Displays, Ltd., and Hitachi  
15 Electronic Devices (USA), Inc. (collectively "Stipulating Defendants") on December 10, 2010;

16 WHEREAS, Circuit City Trust and all Stipulating Defendants except Chunghwa Picture Tubes,  
17 Ltd. and Tatung Company of America entered into a Stipulation of Extension of Time to Respond to  
18 Complaint and Waiver of Service dated February 2, 2011, which provided that those defendants thereto  
19 would accept service of the Complaint filed by Circuit City Trust and would have ninety (90) days in  
20 which to respond to the Complaint (the "Initial Stipulation"). The Initial Stipulation was entered by the  
21 Court on February 4, 2011 (Document 2410 in 3:07-md-01827).

22 WHEREAS, Circuit City Trust and Tatung Company of America entered into a Stipulation of  
23 Extension of Time for Defendant Tatung Company of America to Respond to Complaint dated February  
24 23, 2011, which provided that Tatung would have the same time period as provided in the Initial  
25 Stipulation in which to respond to the Complaint filed by Circuit City Trust (the "Tatung Stipulation").  
26 The Tatung Stipulation was entered by the Court on February 23, 2011 (Document 18 in 3:10-cv-  
27 05625).

28

1        WHEREAS, on March 24, 2011, the Court entered an Order Granting Plaintiff's Motion for  
2 Order to Serve Defendant Chunghwa Picture Tubes Through Its U.S. Counsel (Document 2584 in 3:07-  
3 md-01827). Following that order, Circuit City Trust entered into a Stipulation of Extension of Time for  
4 Defendant Chunghwa Picture Tubes to Respond to Complaint dated March 25, 2011, which provided  
5 that Chunghwa would have the same time period as provided in the Initial Stipulation in which to  
6 respond to the Complaint filed by Circuit City Trust (the "Chunghwa Stipulation"). The Chunghwa  
7 Stipulation was entered by the Court on March 28, 2011 (Document 26 in 3:10-cv-05625).

8        WHEREAS, on May 5, 2011 Circuit City Trust filed its Amended Complaint, and defendants  
9 filed a Motion to Dismiss on June 6, 2011.

10      WHEREAS, Circuit City Trust desires to file a Second Amended Complaint.

11      WHEREAS, in order to avoid potentially redundant motion practice, briefing and/or responsive  
12 pleadings, Circuit City Trust and Stipulating Defendants agree and so stipulate that the Second  
13 Amended Complaint should be filed and the Stipulating Defendants should have thirty (30) days from  
14 the date on which it is filed to move to dismiss, answer or otherwise respond to the Second Amended  
15 Complaint. Circuit City Trust and the Stipulating Defendants believe that proceeding in this way will  
16 create efficiency for the Court and all parties.

17      THEREFORE, Circuit City Trust and Stipulating Defendants hereby agree:

- 18        1.      The Circuit City Trustee may file a Second Amended Complaint on or before June 27,  
19 2011;
- 20        2.      The pending Motion to Dismiss will be withdrawn; and
- 21        3.      Defendants will have thirty (30) days from the date on which the Second Amended  
22 Complaint is filed and accepted for filing by the Court in which to move to dismiss, answer or otherwise  
23 respond to the Amended Complaint, with an Opposition to be filed 14 days after the filing and service of  
24 the Motion, with a Reply to be filed 10 days after the filing and service of the Opposition.

25      Plaintiff and Stipulating Defendants further and jointly respectfully request that the Court enter  
26 this stipulation as an order.

27      ///

28      ///

1 SO STIPULATED:

2 Dated: June 22, 2011

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## IT IS SO ORDERED.

Dated Entered: 6/22/11

Susan Mleton

The Honorable Susan Y. Illston  
District Court Judge